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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,056	04/21/2004	Sheldon H. Foss JR.	03001.1070	6800

7590 03/04/2009  
LAVA Group Law by Smith & Frohwein  
P.O. Box 88148  
Atlanta, GA 30356

EXAMINER
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KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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03/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/829,056

**Applicant(s)**

FOSS ET AL.

**Examiner**

Hani Kazimi

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4 and 6-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on December 10, 2008. Claims 1, 3, 4 and 6-26 are pending in the application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1, 3, 4 and 6-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volino US Patent No. 6,400,845 B1 in view of Risafi et al US Patent No. 6,473,500 B1

Claims 1, 3, 4 and 6-26, Volino discloses a method and corresponding system for processing a point-of-sale transaction at a merchant terminal, comprising the steps scanning a personal identification document corresponding to a customer requesting a financial service at a merchant terminal; generating a scanned image of the personal identification document; identifying character data in the scanned image; comparing the character data to a document template corresponding to the personal identification document to generate customer data, mapping the character data using a document template to identify types of character data and assigning the character data as values for the identified types of character data to generate customer data used in processing the point-of-sale transaction, performing an optical character recognition process on the regions containing text to obtain customer data values, associating the customer data values with the definitions obtained from the template, and populating fields of a displayed form with the customer data values as claimed in claims 1, 3, 4 and 6-26 (abstract, figs. 2 ,3 5A, 6 and 10-12 and related text in the detailed description, and column 2, line 30 thru column 3).

Volino does not explicitly teach an interface configured to communicate customer data interpreted from the personal identification document to a host processing element that supports a financial service transaction via the merchant terminal.

Risafi teaches an interface configured to communicate customer data interpreted from the personal identification document to a host processing element that supports a financial service transaction via the merchant terminal (column 6, line 47 thru column 8, line 52). Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the teachings of Volino to include an interface configured to communicate customer data interpreted from the personal identification document to a host processing element that supports a financial service transaction via the merchant terminal as taught by Risafi. One would have been motivated to do so in order to provide verification and/or authorization of data from the central processing element.

### ***Response to Arguments***

3. Applicant's arguments filed 12/10/2008 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In particular, Volino teaches the invention albeit in a different field of use. One of ordinary skill would recognize the advantages of using Volino's system at a point of sale terminal for scanning customer identification document such as driver's license or social security card. Volino's system is able to identify data extracted from the scanned document and a template to interpret the data fields. However, Volino does not teach an interface configured to communicate said data from the scanned document to host processing element as recited in the claim. However, Examiner introduced the Risafi reference to teach the concept of transmitting customer data (card identification data

and not necessarily data extracted from identification document as this is already taught and supported by the Volino reference) to a host processing element that supports financial service transaction via a merchant terminal. One of ordinary skill in the art at the time of the invention would recognize the advantage of incorporating Volino's system with the Risafi system in order to provide verification and/or authorization of data (PIN, social security number and/or driver's license number) to the central processing center.

### ***Conclusion***

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691